



ZONING BOARD OF APPEALS

TOWN OFFICES/BUCKLEY CENTER
AVON, MASSACHUSETTS 02322-1496
TEL. (508) 588-0414 - FAX (508)559-0209

PUBLIC HEARING MINUTES-February 1, 2016 & April 25, 2016

Case# 16-1 – 101 Wales Avenue, Avon, Massachusetts
Petitioner- Casey Brothers Trust

The Public Hearing on February 1st was called to order at 7:45 P.M. by Board of Appeals member Kevin Foster. The (Continued Public Hearing was called to order at 8:50 P.M. by Kevin Foster.

The Public Hearing is the result of the Petition of **Casey Brothers Trust – Case#16-1**

Present - **Board of Appeal Board Members-** Gerald Picardi, Charles Comeau, Kevin Foster, and Peter Crone, Chairman

Visitors- On 2-1-16, Thomas Nolan, Conrod Boone, Todd Morey, Brian Beauford, Peter Vanko, Sean Sears and Building Commissioner, Robert Borden.

On 4-25-16, Thomas Nolan, Conrod Boone, Building Commissioner Robert Borden

The members of the board noted that this was a **Continued Public Hearing from February 1st, 2016** in which the Public Hearing notices had appeared in the Brockton Enterprise on January 14, and January 21st 2016 in the Legal Notice section.

CASE # 16-1– 101 Wales Avenue, Avon, Massachusetts

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals **Case #16-1** and **Casey Brothers Trust**, will be referred to as the “**Petitioner**”.

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Monday, February 1, 2016 at 7:30 P.M. to hear the following petition(s) requesting a **Variance** from the Avon Zoning By-Laws.

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Buckley Center, 65 East Main Street, Avon Massachusetts on **February 1, 2016**, at 7:30 p.m. to hear the following petition requesting a **Variance** from the Avon Zoning By-Laws. **Case #16-1, Petitioner, Casey Brothers Trust** of 430 East First Street, Boston, Massachusetts request a **Variance** of the requirements of Avon Zoning By-Law Section **8-6 #4**, for a reduction of the required number of parking spaces. For the property located and

known as 101 Wales Avenue, Avon Massachusetts. Assessors Map B8-Block 4-Lot 1

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 101 Wales Avenue, Avon, Massachusetts, (Map B8 Block 4 Lot 1) and concerned parties had been notified of the intent of this hearing. All the requirements had been met with reference to notifications, publications, and postings, as mandated by Laws Governing the action of Public Hearings and the Board of Appeals (*Massachusetts General Laws, Ch. 40A § 11*); and, Town of Avon Board of Appeals Procedures for Applicant(s)/Petitioner(s), effective January 1, 2001.

The Board of Appeals advised the attendees of the format of the Public Hearing as follows:

1. Petitioner's Presentation
2. Comments, Open Discussion, Questions and Answers
3. Decision and Vote of the Board of Appeals

1. Petitioner's Presentation: The Chair recognizes the Petitioner, Mr. Thomas Nolan requested a Variance on the property located at 101 Wales Avenue, Avon, Massachusetts. He states that Grace Church is an existing tenant leasing 20,000 square feet within the 100,000 square foot warehouse building at 101 Wales Avenue. Grace modified its lease to expand its premises by 10,000 square feet within the building and extended its lease term. The auditorium will increase from 440 to 800 seats and offices and ministry rooms will be relocated and or added. The balance of the 70,000 square feet for the entire building is used for warehouse. The building permit was denied on the grounds that the capacity of the expanded church will result in a violation of the parking requirements under Section 8-6. Mr. Nolan stated that there are circumstances unique to the situation and this property that permit the issuance of a variance from the strict parking requirements. The Church can be broken down into different use areas that will reduce the parking deficiency. They plan to increase the parking area by 76 spaces to bring the total number of on-site spaces to 249. Mr. Nolan also states that Grace Church operates on a limited weekend schedule and is not fully functioning Monday-Friday during normal business hours. Since Grace holds its services on weekends during non-business hours there would be no competing use of the parking with the other tenants so Grace would have full use of the parking lot. Grace has also has parking arrangements with neighboring properties to use off-street parking on those sites which will accommodate the proposed increases in capacity. Also the site is located at a dead end of Wales Avenue in the Industrial Park and the expansion will have no detrimental effect on the general traffic.
2. Comments, Open Discussion, Questions and Answers: After discussion the Zoning Board of Appeals voted to grant the variance conditioned upon finalizing proceedings with the Avon Conservation Commission and the Avon Planning Board. The Public Hearing Case 16-1 will be continued to April 25, 2016.
3. Petitioners Presentation on Continued Public Hearing April 25, 2016- Mr. Nolan explained that they received Order of Conditions from Conservation Commission and received approval from the Planning Board with Order of Conditions to follow.
4. 243 Spaces on plan – reduced down from 400 spaces.

5. **Decision and Vote of the Board of Appeals:** On April 25, 2016 – Continued Public Hearing for 101 Wales Avenue. Mr. Chuck Comeau made a motion to grant the Variance for a reduction in Parking spaces from the requirements of Avon By-Law section 8-6 #4 to a total of **243** spaces for the current uses for Grace Church located at 101 Wales Avenue, seconded by Gerald Picardi. All in favor. Unanimous vote 4/0

VOTED: **to grant Variance, as stipulated.**

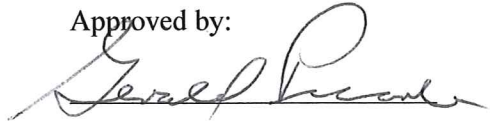
ADJOURNMENT: Motion was made by Chuck Comeau to adjourn the Hearing known as Board of Appeals Case #16-1, Motion was seconded by Mr. Foster and it was unanimous.

Approved by:



Peter Crone, Chairman

Approved by:



Gerald Picardi, Clerk



TOWN OF AVON, MASSACHUSETTS

A Great Place to Live, Work and Do Business.

The Commonwealth of Massachusetts Norfolk County Board of Appeals

Date: Friday, May 13, 2016

Certificate of Granting of Variance(s) and/or a Special Permit(s) (General Laws Chapter 40A, Section 11)

The Board of Appeals of the Town of Avon hereby certifies that Variance(s) and/or a Special Permit(s) have been granted:

To: **Casey Brothers Trust**
Owner:
Address: **430 East First Street**
City or Town: **Boston, MA 02127**

Affecting the rights of the owner with respect to land or buildings at

101 Wales Avenue, Avon, Massachusetts

(As specified in Case #16-1 Public Hearing Minutes,
Dated: Monday, March 25, 2016)

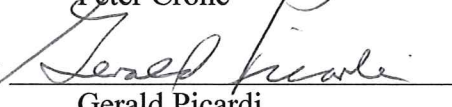
And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance(s) and/or special permit(s), and that the copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the town clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty-one days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

Chairman:


Peter Crone

Member:


Gerald Picardi